

DEVELOPMENT REVIEW COMMITTEE – February 15, 2022
CONDITIONS OF APPROVAL

5 N. Santa Cruz Avenue
Conditional Use Permit Application U-21-023

Requesting Approval for a New Restaurant Use (Petals Creamery) with Alcohol Service on Property Zoned C-2:LHP. APN 510-44-077.
PROPERTY OWNER: La Canada Investments, LLC
APPLICANT: Nathan Gaudreau

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any intensification beyond this authorized use requires a Conditional Use Permit amendment.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: A restaurant use with alcohol service is permitted.
5. HOURS: The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m., seven days a week.
6. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department including a Certificate of Use and Occupancy approval from Planning must be obtained prior to the commencement of any new or change of use.
7. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy must be obtained prior to commencement of use.
8. LIVE ENTERTAINMENT: Live entertainment in conformance with the Town Policy regulating Late Night Entertainment is permitted.
9. GENERAL: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
10. CONFORMANCE WITH CODE: No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.
11. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS: The subject use shall be conducted in full compliance with all local, state, and federal laws.
12. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

13. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Building Division

14. PERMITS: No work requiring Building Permits can commence without issuance of any required Building Permits. Building Permit plan review, including review by the Santa Clara County Fire Department and the Parks and Public Works Department, will be part of any required Building Permit application process. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official.
15. ACCESSIBILITY: In addition to all new work complying with the Code for accessibility, when existing buildings are altered or remodeled, they must be made accessible to persons with physical disabilities in accordance with the CBC Section 11B-202, "Existing buildings and facilities".

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

16. REVIEW: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
17. FIRE SPRINKLERS: Fire sprinkler modification plans shall be submitted to SCCFD for review.

Additional Agency Review

18. ADDITIONAL REQUIREMENTS: Additional agencies may require conformance review or permits for additional requirements, including but not limited to, Santa Clara County Environmental Health Department, West Valley Sanitation, and West Valley Collection and Recycling.